



# House of Representatives

General Assembly

**File No. 489**

February Session, 2004

Substitute House Bill No. 5594

*House of Representatives, April 6, 2004*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING COURT OPERATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 13a-73 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2004*):

4 (b) The commissioner may take any land he finds necessary for the  
5 layout, alteration, extension, widening, change of grade or other  
6 improvement of any state highway or for a highway maintenance  
7 storage area or garage and the owner of such land shall be paid by the  
8 state for all damages, and the state shall receive from such owner the  
9 amount or value of all benefits, resulting from such taking, layout,  
10 alteration, extension, widening, change of grade or other  
11 improvement. The use of any site acquired for highway maintenance  
12 storage area or garage purposes by condemnation shall conform to any  
13 zoning ordinance or development plan in effect for the area in which  
14 such site is located, provided the commissioner may be granted any

15 variance or special exception as may be made pursuant to the zoning  
16 ordinances and regulations of the town [wherein] in which any such  
17 site is to be acquired. The assessment of such damages and of such  
18 benefits shall be made by the commissioner and filed by him with the  
19 clerk of the superior court [in] for the judicial district in which the land  
20 affected is located. [, and such clerk] The commissioner shall give  
21 notice of such assessment to each person having an interest of record  
22 therein by mailing to each a copy of the same, postage prepaid, and, at  
23 any time after such assessment has been made by [said] the  
24 commissioner, the physical construction of such layout, alteration,  
25 extension, widening, maintenance storage area or garage, change of  
26 grade or other improvement may be made. If notice cannot be given to  
27 any person entitled thereto because his whereabouts or existence is  
28 unknown, notice may be given by publishing a notice at least twice in  
29 a newspaper published in the judicial district and having a daily or  
30 weekly circulation in the town in which the property affected is  
31 [situated] located. Any such published notice shall state that it is a  
32 notice to the last owner of record or his surviving spouse, heirs,  
33 administrators, assigns, representatives or creditors if he is deceased,  
34 and shall contain a brief description of the property taken. Notice shall  
35 also be given by mailing to each such person at his last-known  
36 address, by registered or certified mail, a copy of such notice. If, after a  
37 search of the land and probate records, the address of any interested  
38 party cannot be found, an affidavit stating such facts and reciting the  
39 steps taken to establish the address of any such person shall be filed  
40 with the clerk of the [superior] court and accepted in lieu of service of  
41 such notice by mailing the same to the last known address of such  
42 person. Upon filing an assessment with the clerk of the [superior]  
43 court, the commissioner shall forthwith sign and file for record with  
44 the town clerk of the town [wherein] in which such real property is  
45 located a certificate setting forth the fact of such taking, a description  
46 of the real property so taken and the names and residences of the  
47 owners from whom it was taken. Upon the filing of such certificate,  
48 title to such real property in fee simple shall vest in the state of  
49 Connecticut, except that, if it is so specified in such certificate, a lesser

50 estate, interest or right shall vest in the state. The commissioner shall  
51 permit the last owner of record of such real property upon which a  
52 residence is situated to remain in such residence, rent free, for a period  
53 of one hundred twenty days after the filing of such certificate.

54 Sec. 2. Subsections (a) and (b) of section 46b-127 of the general  
55 statutes are repealed and the following is substituted in lieu thereof  
56 (*Effective October 1, 2004*):

57 (a) The court shall automatically transfer from the docket for  
58 juvenile matters to the regular criminal docket of the Superior Court  
59 the case of any child charged with the commission of a capital felony, a  
60 class A or B felony or a violation of section 53a-54d, provided such  
61 offense was committed after such child attained the age of fourteen  
62 years and counsel has been appointed for such child if such child is  
63 indigent. Such counsel may appear with the child but shall not be  
64 permitted to make any argument or file any motion in opposition to  
65 the transfer. The child shall be arraigned in the regular criminal docket  
66 of the Superior Court at the next court date following such transfer,  
67 provided any proceedings held prior to the finalization of such transfer  
68 shall be private and shall be conducted in such parts of the courthouse  
69 or the building wherein court is located as shall be separate and apart  
70 from the other parts of the court which are then being held for  
71 proceedings pertaining to adults charged with crimes. The file of any  
72 case so transferred shall remain sealed until the end of the tenth  
73 working day following such arraignment unless the state's attorney  
74 has filed a motion pursuant to this subsection, in which case such file  
75 shall remain sealed until the court makes a decision on the motion. A  
76 state's attorney may, not later than ten working days after such  
77 arraignment, file a motion to transfer the case of any child charged  
78 with the commission of a class B felony to the docket for juvenile  
79 matters for proceedings in accordance with the provisions of this  
80 chapter. The court sitting for the regular criminal docket shall, after  
81 hearing and not later than ten working days after the filing of such  
82 motion, decide such motion.

83 (b) Upon motion of a juvenile prosecutor and order of the court, the  
84 case of any child charged with the commission of a class C or D felony  
85 or an unclassified felony shall be transferred from the docket for  
86 juvenile matters to the regular criminal docket of the Superior Court,  
87 provided such offense was committed after such child attained the age  
88 of fourteen years and the court finds ex parte that there is probable  
89 cause to believe the child has committed the act for which he is  
90 charged. The file of any case so transferred shall remain sealed until  
91 such time as the court sitting for the regular criminal docket accepts  
92 such transfer. The court sitting for the regular criminal docket may  
93 return any such case to the docket for juvenile matters not later than  
94 ten working days after the date of the transfer for proceedings in  
95 accordance with the provisions of this chapter. The child shall be  
96 arraigned in the regular criminal docket of the Superior Court by the  
97 next court date following such transfer, provided any proceedings held  
98 prior to the finalization of such transfer shall be private and shall be  
99 conducted in such parts of the courthouse or the building wherein  
100 court is located as shall be separate and apart from the other parts of  
101 the court which are then being held for proceedings pertaining to  
102 adults charged with crimes.

103 Sec. 3. Subsection (d) of section 47a-23 of the general statutes is  
104 repealed and the following is substituted in lieu thereof (*Effective*  
105 *October 1, 2004*):

106 (d) With respect to a month-to-month or a week-to-week tenancy of  
107 a dwelling unit, a notice to quit possession based on nonpayment of  
108 rent shall, upon delivery, terminate the rental agreement for the month  
109 or week in which the notice is delivered, convert the month-to-month  
110 or week-to-week tenancy to a tenancy at sufferance and provide  
111 proper basis for a summary process action notwithstanding that such  
112 notice was delivered in the month or week after the month or week in  
113 which the rent is alleged to be unpaid.

114 Sec. 4. Subsection (a) of section 47a-23a of the general statutes is  
115 repealed and the following is substituted in lieu thereof (*Effective*

116 October 1, 2004):

117 (a) If, at the expiration of the three days prescribed in section 47a-23,  
118 as amended by this act, the lessee or occupant neglects or refuses to  
119 quit possession or occupancy of the premises, any commissioner of the  
120 Superior Court may issue a writ, summons and complaint which shall  
121 be in the form and nature of an ordinary writ, summons and complaint  
122 in a civil process, but which shall set forth facts justifying a judgment  
123 for immediate possession or occupancy of the premises and make a  
124 claim for possession or occupancy of the premises. If the claim is for  
125 the possession or occupancy of nonresidential property, the writ,  
126 summons and complaint [may] shall also make a claim for the  
127 forfeiture to the plaintiff of the possessions and personal effects of the  
128 defendant in accordance with section 47a-42a. If the plaintiff has  
129 properly issued a notice to quit possession to an occupant by alias, if  
130 permitted to do so by section 47a-23, as amended by this act, and has  
131 no further identifying information at the time of service of the writ,  
132 summons and complaint, such writ, summons and complaint may also  
133 name and serve such occupant or occupants as defendants. In any case  
134 in which service is to be made upon an occupant or occupants  
135 identified by alias, the complaint shall contain an allegation that the  
136 plaintiff does not know the name of such occupant or occupants. Such  
137 complaint shall be returnable to the Superior Court. Such complaint  
138 may be made returnable six days, inclusive, after service upon the  
139 defendant and shall be returned to court at least three days before the  
140 return day. Such complaint may be served on any day of the week.  
141 Notwithstanding the provisions of section 52-185, no recognizance  
142 shall be required of a complainant appearing pro se.

143 Sec. 5. Section 47a-26c of the general statutes is repealed and the  
144 following is substituted in lieu thereof (*Effective October 1, 2004*):

145 All pleadings, including motions, shall advance at least one step  
146 within each successive period of three days from the preceding  
147 pleading or motion. If the defendant fails to plead within any such  
148 period, the complainant may file a motion for judgment for failure to

149 plead, served upon the defendant in the manner provided in the rules  
150 adopted by the judges of the Superior Court for the service of  
151 pleadings. If the defendant fails to plead within three days after receipt  
152 of such motion by the clerk, the court shall forthwith enter judgment  
153 that the complainant recover possession or occupancy with costs.

154 Sec. 6. Subsection (a) of section 47a-30 of the general statutes is  
155 repealed and the following is substituted in lieu thereof (*Effective*  
156 *October 1, 2004*):

157 (a) When any farm employee or any domestic servant, caretaker,  
158 manager or other employee as described in subsection (b) of section  
159 47a-36 occupies a dwelling, dwelling unit or tenement furnished by his  
160 employer and when his employment is terminated by himself or his  
161 employer, or such employee fails to report for employment, and fails  
162 to vacate the premises in which he is residing, he shall be given not  
163 less than [five] three days' notice to quit possession of such premises  
164 on the form prescribed by section 47a-23, as amended by this act.

165 Sec. 7. Subsection (b) of section 49-15 of the general statutes, as  
166 amended by section 9 of public act 03-202, is repealed and the  
167 following is substituted in lieu thereof (*Effective October 1, 2004*):

168 (b) Upon the filing of a bankruptcy petition by a mortgagor under  
169 [Chapter 13 of] Title 11 of the United States Code, any judgment  
170 against the mortgagor foreclosing the title to real estate by strict  
171 foreclosure shall be opened automatically without action by any party  
172 or the court, provided, the provisions of such judgment, other than the  
173 establishment of law days, shall not be set aside under this subsection;  
174 but no such judgment shall be opened after the title has become  
175 absolute in any encumbrancer or the mortgagee, or any person  
176 claiming under such encumbrancer or mortgagee. The mortgagor shall  
177 file a copy of the bankruptcy petition, or an affidavit setting forth the  
178 date the bankruptcy petition was filed, with the clerk of the court in  
179 which the foreclosure matter is pending. Upon the [determination]  
180 termination of the automatic stay authorized pursuant to 11 USC 362,  
181 the mortgagor shall file with such clerk an affidavit setting forth the

182 date the stay was terminated.

183 Sec. 8. Subsection (b) of section 51-164n of the general statutes, as  
184 amended by section 9 of public act 03-136, section 12 of public act 03-  
185 202 and section 5 of public act 03-267, is repealed and the following is  
186 substituted in lieu thereof (*Effective October 1, 2004*):

187 (b) Notwithstanding any provision of the general statutes, any  
188 person who is alleged to have committed (1) a violation under the  
189 provisions of section 1-9, 1-10, 1-11, 4b-13, as amended, 7-13, 7-14, 7-35,  
190 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, as amended, 8-27, 9-63, 9-296, 9-305,  
191 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-  
192 170aa, as amended, 12-292, as amended, or 12-326g, subdivision (4) of  
193 section 12-408, as amended, subdivision (3), (5) or (6) of section 12-411,  
194 as amended, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107,  
195 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, as amended, 13a-124, 13a-  
196 139, 13a-140, 13a-143b, 13a-247, as amended, or 13a-253, subsection (f)  
197 of section 13b-42, as amended, section 13b-90, 13b-221, 13b-292, as  
198 amended, 13b-336, 13b-337, as amended, 13b-338, 13b-410a, 13b-410b  
199 or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
200 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
201 of section 14-34a, subsection (d) of section 14-35, as amended, section  
202 14-43, 14-49, as amended, 14-50a, as amended, or 14-58, as amended,  
203 subsection (b) of section 14-66, as amended, section 14-66a, 14-66b or  
204 14-67a, subsection (g) of section 14-80, as amended, subsection (f) of  
205 section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-  
206 146, 14-152, 14-153 or 14-163b, a first violation as specified in  
207 subsection (f) of section 14-164i, section 14-219 as specified in  
208 subsection (e) of said section, section 14-240, 14-249 or 14-250,  
209 subsection (a), (b) or (c) of section 14-261a, section 14-262, as amended,  
210 14-264, 14-267a, as amended, 14-269, 14-270, 14-275a, 14-278 or 14-279,  
211 subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320,  
212 14-321, as amended, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1),  
213 (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-  
214 115, section 16-256, 16-256e, 16a-15, as amended, or 16a-22, subsection  
215 (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152,

17a-465, 17a-642, 17b-124, as amended, 17b-131, as amended, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341i, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, as amended, 21a-63, as amended, or 21a-77, subsection (b) of section 21a-79, as amended, section 21a-85, 21a-154, 21a-159, as amended, 21a-201, 21a-211, 22-13, 22-14, as amended, 22-15, 22-16, 22-29, 22-34, as amended, 22-35, as amended, 22-36, as amended, 22-37, as amended, 22-38, as amended, 22-39, as amended, 22-39a, 22-39b, as amended, 22-39c, 22-39d, as amended, 22-39e, as amended, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, as amended, 22-280a, 22-318a, as amended, 22-320h, 22-324a, as amended, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, as amended, 22-415, as amended, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-449, as amended, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, as amended, 26-19, 26-21, 26-31, 26-40, 26-40a, as amended, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, as amended, 26-224a, as amended, 26-227, as amended, 26-230, as amended, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, as amended, 30-48a, 30-86a, as amended, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, as amended, section 46a-59, 46b-22, 46b-24, as amended, 46b-34, 47-34a, as amended, 47-47, 49-8a,



251 as amended, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or  
 252 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-  
 253 321, 53-322, 53-323, 53-331, 53-344, as amended, 53-450 or subsection  
 254 (a) of section 8 of [this act] public act 03-136, or (2) a violation under  
 255 the provisions of chapter 268, or (3) a violation of any regulation  
 256 adopted in accordance with the provisions of section 12-484, 12-487 or  
 257 13b-410, shall follow the procedures set forth in this section.

258 Sec. 9. Subsection (e) of section 54-2a of the general statutes is  
 259 repealed and the following is substituted in lieu thereof (*Effective*  
 260 *October 1, 2004*):

261 (e) Whenever a [rearrest] warrant is issued under this section or  
 262 section 53a-32, the court, judge or judge trial referee may cause such  
 263 warrant to be entered into a central computer system. Existence of the  
 264 warrant in the computer system shall constitute prima facie evidence  
 265 of the issuance of the warrant. Any person named in the warrant may  
 266 be arrested based on the existence of the warrant in the computer  
 267 system and shall, upon any such arrest, be given a copy of the warrant.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill makes various technical and minor changes that have no fiscal impact.

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**OLR Bill Analysis**

sHB 5594

**AN ACT CONCERNING COURT OPERATIONS****SUMMARY:**

This bill makes a number of changes in court operations laws. It:

1. requires the transportation commissioner, rather than a Superior Court clerk, to notify landowners when the Department of Transportation has initiated condemnation proceedings affecting their land;
2. until their transfers are final, requires courts to hold private court proceedings in areas away from adult criminal proceedings for 14- and 15- year-olds transferred from juvenile to adult court;
3. allows landlords to file eviction suits against week-to-week tenants and discharged farm workers, servants, and other employees occupying employer-provided housing three days after giving them notice to quit the premises, adopting the timeframe currently designated for month-to-month tenancies;
4. directs landlords to raise forfeiture claims seeking tenants' personal property in all evictions involving nonresidential property;
5. requires courts to enter default judgments in eviction proceedings whenever a party fails to enter a timely plea, rather than only at the beginning of the case;
6. allows people cited for vehicle noise and exhaust infractions to pay their fines through the centralized infraction bureau; and
7. allows arrest warrants issued for violations of probation or release conditions to be entered into the court's centralized computer system and makes the entry prima facie evidence that the warrant was issued.

It also makes minor and technical changes.

EFFECTIVE DATE: October 1, 2004

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 42      Nay 0